

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**CARROLL JOE PARR,
Petitioner,**

VS.

**NATHANIEL QUARTERMAN
Respondent.**

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CIVIL ACTION NO. W-06-CA-317

ATTORNEYS' MOTION TO WITHDRAW

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES RUSSELL D. HUNT, JR. ("Attorney Hunt") an attorney appointed to represent the Petitioner in the above-entitled and numbered cause ("Petitioner") and makes this Motion to Withdraw and for cause therefore would respectfully show unto the Court the following:

I.

Attorney Hunt was appointed along with his father, Attorney Russell D. Hunt, Sr., to represent Defendant in the trial of the above-referenced case. At the conclusion of the case, and after a sentence of death was ordered, Attorneys Hunt and Hunt, Sr. were allowed to withdraw from representing Petitioner by the state trial court.

II.

Attorney Hunt continues to feel that it would be most prudent for him not to represent Petitioner, and for the Court to appoint another attorney to represent Defendant on this Federal Habeas Corpus action. Another counsel could feel free to second guess Attorney Hunt's performance in the prior proceedings, which is a necessary and important part of the Federal Habeas process. The potential conflict of interest created by Attorney Hunt's continued representation of Petitioner on Habeas would reduce the ability of present counsel to provide adequate representation to the Petitioner, and would render an ongoing attorney/client relationship difficult if not impossible, in derogation of Petitioner's rights under the Sixth and Fourteenth Amendments to the United States Constitution.

III.

Movant notified the Petitioner of his intent to withdraw after the trial of his case, and

Petitioner indicated at that time that he was in agreement with the State District Court's allowing Movant to withdraw.

IV.

The granting of this Motion to Withdraw and appointment of another counsel to represent Petitioner on Appeal will not jeopardize the rights of the Petitioner, and will not work a delay or other injustice.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this Honorable Court allow the withdrawal of counsel, and that present counsel be released from further obligation or duty to the Petitioner as Attorney of Record, and that another attorney be appointed to represent Petitioner in this Habeas action.

Respectfully submitted,
RUSSELL D. HUNT, JR.
Attorney at Law
811 Nueces Street
Austin, Texas 78701
Telephone: (512) 474-5114 Fax (512) 857-0746

/s/

RUSSELL D. HUNT, JR.
State Bar Number 00790937
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing motion to withdraw has been filed by using the court's CM/ECF system on the 7th day of March, 2007, which will deliver the same to Stephen M. Hoffman the attorney of record for the Respondent, at email address stephen.hoffman@oag.state.tx.us

/s/

RUSSELL D. HUNT, JR.

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ORDER

BE IT REMEMBERED that on this _____ day of _____, 2007, came on to be considered the foregoing Motion to Withdraw, the Court having considered the Motion it is therefore ordered that the aforesaid Motion be:

GRANTED, and that present counsel RUSSELL D. HUNT, JR. is hereby released from further obligation or duty to the Defendant as Attorney of Record;

AND IT IS FURTHER ORDERED that attorney _____ is appointed as counsel to represent Petitioner for purposes of this death penalty writ of habeas corpus.

SIGNED on this _____ day of _____, 2007.

**WALTER S. SMITH, JR.
CHIEF UNITED STATES DISTRICT JUDGE**